

THIRD DAY

(Tuesday, November 28, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Green, Haley, Harris, Henderson, Johnson, Krier, McFarland, Montford, Parker, Parmer, Ratliff, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Edwards, Glasgow, Leedom, Lyon, Santiesteban.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Father and source of life, in this season of giving thanks, we offer ours today for all that is provided to sustain us. Thank You for the gifts of health, for the privilege of working and the satisfaction of public service. We pray this morning for the men and women of the Senate as they meet the challenge before them and that each one will be wise, be generous and statesmanlike.

In Your name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, November 21, 1989, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Edwards was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Leedom was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Lyon was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Santiesteban was granted leave of absence for today on account of important business on motion of Senator Brooks.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 2

H.C.R. 6

H.C.R. 7

H.C.R. 8

H.C.R. 9

MESSAGE FROM SUPREME COURT

The following Message from the Supreme Court was read and was referred to the Committee on Nominations:

**The Supreme Court of Texas
November 21, 1989**

To the Senate of the Seventy-First Legislature, Second Called Session:

The Supreme Court of Texas has made the following appointments which require the advice and consent of the Senate:

To the State Commission on Judicial Conduct (Texas Constitution, Article V, section 1-a(2)):

The Honorable Bill Bass, Justice of the Twelfth Court of Appeals at Tyler.

The Honorable Hilda G. Tagle, Judge of the County Court at Law No. 3 of Nueces County, Corpus Christi.

The terms of these appointments are six years and two years respectively and will expire November 19, 1995, and November 19, 1991.

The advice, consent and confirmation of the Senate is requested.

Sincerely,

/s/Thomas R. Phillips
Thomas R. Phillips
Chief Justice

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.J.R. 4 by Glasgow State Affairs
Proposing a constitutional amendment relating to the filling of vacancies in the offices of district judges by appointment of the governor.

S.C.R. 16 by Lyon State Affairs
Expressing the Legislature's intent that, as an interim plan for the 1990 elections, State judicial district boundaries in Harris, Dallas, Tarrant, Bexar, Travis, Jefferson, Lubbock, Ector and Midland counties be drawn to follow State representative district boundaries.

S.B. 30 by Haley Jurisprudence
Relating to the County Court at Law of Nacogdoches County.

S.B. 31 by Haley Intergovernmental Relations
Relating to treatment of certain permits issued by municipalities.

S.B. 32 by Glasgow State Affairs
Relating to court commissions for filling vacancies in the offices of district judges.

S.B. 33 by Glasgow State Affairs
Relating to the nonpartisan election of certain judicial officers.

S.B. 34 by Glasgow State Affairs
Relating to the election of certain district judges.

S.B. 35 by Brooks Intergovernmental Relations
Relating to financial support of the Texas State Guard.

S.B. 36 by Brooks, Leedom Criminal Justice
Relating to the carrying of weapons by members of the State military forces.

S.R. 74 by Lyon

Administration

Requesting the Lieutenant Governor to appoint a committee to study the issue of revising the system of choosing State judicial district judges.

SENATE BILLS AND RESOLUTIONS REFERRED

The following bills and resolutions were referred to the Committee indicated:

- S.J.R. 1**, To Committee on State Affairs.
- S.J.R. 2**, To Committee on State Affairs.
- S.J.R. 3**, To Committee on State Affairs.
- S.C.R. 1**, To Committee on Jurisprudence.
- S.C.R. 2**, To Committee on State Affairs.
- S.C.R. 3**, To Committee on Education.
- S.C.R. 12**, To Committee on Jurisprudence.
- S.B. 3**, To Committee on Criminal Justice.
- S.B. 4**, To Committee on Natural Resources.
- S.B. 5**, To Committee on Economic Development.
- S.B. 6**, To Committee on Criminal Justice.
- S.B. 7**, To Committee on Intergovernmental Relations.
- S.B. 8**, To Committee on Intergovernmental Relations.
- S.B. 10**, To Committee on Education.
- S.B. 11**, To Committee on Health and Human Services.
- S.B. 12**, To Committee on State Affairs.
- S.B. 13**, To Committee on Natural Resources.
- S.B. 14**, To Committee on Natural Resources.
- S.B. 15**, To Committee on Intergovernmental Relations.
- S.B. 16**, To Committee on Intergovernmental Relations.
- S.B. 17**, To Committee on Jurisprudence.
- S.B. 19**, To Committee on Economic Development.
- S.B. 20**, To Committee on Economic Development.
- S.B. 21**, To Committee on Finance.
- S.B. 23**, To Committee on Natural Resources.
- S.B. 24**, To Committee on Intergovernmental Relations.
- S.B. 25**, To Committee on Economic Development.
- S.B. 26**, To Committee on Economic Development.
- S.B. 27**, To Committee on Economic Development.
- S.B. 28**, To Committee on Economic Development.
- S.B. 29**, To Committee on Economic Development.

MESSAGE FROM THE HOUSE

House Chamber
November 28, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

- S.C.R. 5**, In memory of Congressman Mickey Leland.
- S.C.R. 6**, In memory of former State Representative Walter Grubbs.
- S.C.R. 8**, Congratulating the Mount Pleasant Dixie Boys All-Stars.
- S.C.R. 9**, Congratulating the Mount Pleasant National League All-Stars.
- S.C.R. 11**, In memory of Emmett F. Lowry.

S.C.R. 13, Honoring John H. Reagan Elementary School of San Angelo.

H.C.R. 13, Commending F. Hermann Rudenberg.

H.C.R. 14, Commending Captain Leon E. Lewis, Jr., of the Galveston Police Department.

H.C.R. 15, Proclaiming the week of January 21-27, 1990, to be "Kiwanis Week" in Texas.

H.C.R. 16, Commending Donna Vinson.

H.C.R. 19, Designating Columbus, Texas, as the Official 1992 Quincentennial Town of Texas.

H.C.R. 20, In memory of those who died in the Phillips Petroleum Company accident.

H.C.R. 21, Honoring the Reverend Rozell Harmon.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RESOLUTION 80

Senator Haley offered the following resolution:

WHEREAS, Hinkle Schillings of Center is an outstanding Texan who is truly deserving of legislative recognition for his many years of outstanding community leadership and exemplary public service to the citizens of Shelby County; and

WHEREAS, This distinguished gentleman was recently recognized by the Lone Star Baptist Church in Center for his 67 years of superlative service as music director; and

WHEREAS, The owner, breeder, and trainer of Dawson Stride, one of the South's most outstanding foxhounds, Mr. Schillings is very well known for his dedicated efforts to promote fox hunting in Shelby County; and

WHEREAS, Noted for great organizational talent and ability, he has been a leader in the All-American Fox Hunters Association, one of the nation's most respected sportsmen's groups and sponsor of the prestigious All-American Hunt in Shelby County, drawing participants from 26 states and Canada; and

WHEREAS, A man of prodigious skills, Mr. Schillings has made enormous contributions to the growth and prosperity of his beloved community; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, 2nd Called Session, hereby commend Hinkle Schillings for his service to the Lone Star State, Shelby County, the Lone Star Baptist Church, and his community; and, be it further

RESOLVED, That official copies of this Resolution be prepared for Mr. Hinkle Schillings in deep appreciation and as an expression of high regard from the Texas Senate.

The resolution was read and was adopted viva voce vote.

GUEST PRESENTED

Senator Haley introduced Mr. Schillings to the Senate, stating:

Mr. President and Members, I would like to call your attention to a very special individual, not just a special individual from Shelby County, which is my home, but

all of East Texas, and actually all of the Southern and Midwestern part of this country and into Canada, even. This fellow, many, many, many years ago, started a tradition which has grown throughout East Texas and throughout the South, and that is how he became one of the primary fox hunters in all of the country.

I have to point out that his style is somewhat different from the style of our esteemed Lieutenant Governor. Mr. Hinkle Schillings does not don his special gear, get aboard horses over in Ireland and follow the dogs as they yelp throughout the countryside. Mr. Hinkle, instead, gets with his friends, gets up, gets the dogs out of the back yard and in the pickup, heads down to the Boles Field or somewhere in the whole South, primarily, as a rule, down to the Boles Field, which is down around Shelbyville, and in his overalls and a big old hat he's had since before I knew him, his old boots and his rain jacket, if necessary, stands there by the campfire with his friends while they listen to the pack run the fox through the woods. A trained ear is probably the most outstanding feature of these fox hunters, because while they don't get to ride along and watch all the action taking place, they get the action themselves because they can actually tell you by the sound of the dogs hollering whose dog is in what position in the pack. I've been there and seen them do it. It's one of the most outstanding things and most entertaining things you can ever see.

Mr. Hinkle Schillings has been on "The Eyes of Texas." "Good Morning, America" has been to Center and gone with Mr. Schillings early in the morning hours, late in the evening hours, down to Boles Field and stood with him and listened to the fox hunts as the hounds chase the foxes through those woods there. The New York Times had an extensive article about Mr. Hinkle Schillings and his fox hunting expertise and fun and excitement that was picked up in newspapers in Hong Kong, Paris, London and all over the world, literally. Mr. Schillings has judged foxhounds and fox hunts from Center to Connecticut to Wisconsin to North and South Carolina and all through the South. He was instrumental in establishing what is now known throughout the fox hunting sport as the Foxhound Hall of Fame Cemetery in Shelby County in 1941, when he laid to rest one of the most exciting, popular and best known foxhounds in this country ever, Dawson Stride. And I might say, Governor Hobby, it would not surprise me a bit if some of the progeny of Dawson Stride have not led your horses on a hunt in other parts of the world.

Mr. Hinkle Schillings is a very special individual. He has stood for election in the county, he has stood for all things that are wonderful and exciting and glorious about the Old South and their sports that include hounds.

Mr. Hinkle Schillings is with us today, and I can think of nothing better that we can do than to rise and welcome him here in the Senate as a means of thanking him for all that he has meant to the State of Texas, to East Texas, and to his home as well. Mr. Hinkle, we are truly proud of you and it is quite a distinct honor for me to get to be the Senator who at this time recognizes you as one of the most loved and appreciated East Texans in this State.

Thank you very much, Members.

At the President's request, Senator Haley escorted Mr. Schillings to the President's Rostrum.

The President presented an enrolled copy of S.R. 80 to Mr. Schillings.

GUEST PRESENTED

Senator Armbrister was recognized and presented Dr. Fred Merian of Yoakum.

Dr. Merian, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

SENATE RESOLUTION 81

Senator Truan offered the following resolution:

WHEREAS, The construction and development of a state aquarium is truly a Texas-sized dream come true and worthy of legislative recognition; and

WHEREAS, The City of Corpus Christi and all of the citizens of Texas will celebrate the opening of the Texas State Aquarium, a nonprofit, multiphased, multimillion dollar complex dedicated to fostering a deeper public understanding of the Gulf of Mexico and Caribbean Sea through quality education and research programs; and

WHEREAS, The regionally focused project will particularly benefit South Texas in that the location for the Texas State Aquarium will be on Corpus Christi's beautiful bayfront and will be a proud new symbol of the "Sparkling City by the Sea"; and

WHEREAS, The aquarium will be united with the area's marine and aquatic resources and will culturally provide a focal point for tourism; and

WHEREAS, Educationally, the aquarium will direct attention to the need for increased study of our coastal marine life, the result being a growing local presence of marine biologists and students engaged in research and general study for schools, universities, industry, and government; and

WHEREAS, President-elect Luther Jones, executive director Dr. Quenton Dokken, and staff members Denise London, Thomas V. Shockley III, Melissa Stenicka, and Deana Southerland will honor the members of the Senate by presenting each with a lapel pin designed by James Avery and deputizing the members "Deputy Supporters"; and

WHEREAS, The five arms of the starfish pin symbolize an invitation to the Senate members to visit the aquarium with five friends; replicas of this limited edition lapel pin will be for sale at the aquarium; and

WHEREAS, Scheduled to open in July, 1990, and with the help of the citizens of Corpus Christi and special friends and patrons, and under the leadership provided by the Texas State Aquarium Association and Board of Trustees, Development Council, and Campaign Leadership and Administration, the Texas State Aquarium will provide an invaluable asset to the community and the State of Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, 2nd Called Session, hereby commend and applaud all those involved with the development and construction of the Texas State Aquarium; and, be it further

RESOLVED, That copies of this Resolution be prepared for the administrative staff and the Texas State Aquarium as an expression of esteem for a job well done.

The resolution was read.

On motion of Senator Brown and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Truan, the resolution was adopted viva voce vote.

GUESTS PRESENTED

Senator Truan introduced and escorted to the President's Rostrum, for a presentation of S.R. 81 by the President, the following guests: former Mayor of Corpus Christi Luther Jones, Dr. Quenton Dokken, Denise London, Thomas Shockley, Melissa Stenicka and Deana Southerland.

These guests were welcomed by the Senate.

MEMORIAL RESOLUTIONS

H.C.R. 20 - (Brooks): In memory of those who died in the Phillips Petroleum Company accident.

S.R. 76 - By Uribe: In memory of Enriqueta F. Vasquez of Brownsville.

S.R. 78 - By Montford: In memory of Amy Moseley of Slaton.

S.R. 79 - By Montford: In memory of Eldon Gattis of Lubbock.

S.R. 83 - By Truan: In memory of Madelin Joan Olds of Corpus Christi.

S.R. 84 - By Brooks: In memory of Thomas I. Fetzner of Houston.

CONGRATULATORY RESOLUTIONS

H.C.R. 13 - (Brooks): Commending Dr. F. Hermann Rudenberg of Galveston for his contributions to the field of biomedical science and for his efforts in protecting and preserving Texas' endangered coastal resources.

H.C.R. 14 - (Brooks): Commending Captain Leon E. Lewis, Jr., for his many years of outstanding service to the people of Galveston.

H.C.R. 18 - (Barrientos): Commending Texaco Chemical Company and its Austin Research Laboratories.

S.C.R. 17 - By Barrientos: Declaring April 22, 1990, as Earth Day in Texas.

S.R. 73 - By Leedom: Extending congratulations to Floela "Flo" Doucet on her 45th birthday.

S.R. 75 - By Barrientos: Commending Byron Griffin for his dedication to the schoolchildren of Texas.

S.R. 77 - By Dickson: Extending congratulations to Station KXOX on its 50th anniversary.

S.R. 82 - By Truan: Commending Judge William Rapp for his meritorious service and unswerving support and improvement of the judicial system of the great Lone Star State.

RECESS

On motion of Senator Brooks, the Senate at 11:28 a.m. took recess until 2:00 p.m. tomorrow.

THIRD DAY

(Continued)

(Wednesday, November 29, 1989)

AFTER RECESS

The Senate met at 2:00 p.m. and was called to order by the President.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

S.C.R. 5

S.C.R. 6